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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,919	09/19/2001	Drew A. Pappas	7784-000302	9713

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EXAMINER

HARVEY, JAMES R

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,919

Applicant(s)

PAPPAS ET AL.

Examiner

James R. Harvey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

- Claim(s) 8 and 9 are objected to because of the following informalities:
 - In reference to claims 8 and 9, there appears to be several typographical errors. On lines 2 and 4 of claim 8, the reference to aircraft is removed in the amendment and replaced with "mobile platform". The removal of "aircraft" creates an antecedent type of an error with the new amendment language of lines 5 and 10 in which the amended claim language incorrectly introduces "aircraft" into claim 8. Applicant must choose either "mobile platform" or "aircraft" and use it consistently throughout the claim. For purposes of examination, the claim is seen to be requiring the limitation of "aircraft".
 - Appropriate correction of the above is required.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
- Claim(s) 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey (5590022) in view of an article by Marsha Walton dated January 23, 2001.
 - In reference to claim 1, Harvey shows ((figure 1)

a housing 4 that can be adapted to be disposed adjacent to a portion of a seat of the mobile platform (column 2, lines 25-32);

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a first networking port 42 (figure 1) disposed in the housing adapted to couple the portable electronic device to the network for providing network connectivity of the portable electronic device wherein the network is on-board the mobile platform (column 2, lines 25-32); and

a power port 64 (figure 1) disposed in the housing that can be adapted to receive a DC power cable of the portable electronic device for providing power to the portable electronic device.

However, one may argue that Harvey's teaching (column 2, lines 25-32) of the connector that can be used without land lines on an airplane does not inarguably show that the network is onboard the mobile platform.

Walton provides teachings that the network is on board the airplane.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the network on the airplane because as Walton teaches on page 2, lines 17-20, people sometimes need to get information and articles written on certain things and getting that information while the person is flying would save that person a lot of time.

-- In reference to claim 4, it is addressed below.

-- In reference to claim 5, Harvey shows the power port comprises a multi-pin power connector.

-- In reference to claim 6, Harvey shows (figure 1) the power port 64 and networking port 42 are disposed in a common wall of the housing 4.

-- In reference to claim 7, it is addressed below.

-- In reference to claims 4 and 7 the rejection of these claims is substantially the same as was explained in the previous office action that the applicant did not dispute. Concerning each

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respective claim's intended use language of the power port comprises a 15 volt DC power connector and the network is of the type selected from the group consisting of a local area network (LAN), a wide area network (WAN), internet, an intranet, and combination thereof, and the network is of the type selected from the group consisting of a local area network (LAN), a wide area network (WAN) and an intranet

a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

- Claim(s) 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey (5590022) in view of an article by Marsha Walton dated January 23, 2001 and further in view of Francis (6315618).

-- In reference to claim 2, Harvey shows substantially the invention as claimed. However, Harvey does not show the networking port comprises a Universal Serial Bus port or that the RJ-type connector is an RJ45.

Francis teaches that all types and styles of connector including RJ-type and other connectors (e.g. universal serial bus connectors) for physical electrical connection of communication devices (column 4, lines 63-66) and that the necessary modifications to enable coupling to different connectors would be known to those skilled in the art (column 5, lines 5-10).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to choose to use an universal serial bus connector instead of the RJ-type that is shown by Harvey because Francis teaches that all types and styles of connector including RJ-type and other connectors (e.g. universal serial bus connectors) for physical electrical connection of communication devices (column 4, lines 63-66).

- Claim(s) 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey (5590022) in view of an article by Marsha Walton dated January 23, 2001, in view of Francis (6315618), and further in view of Thompson (6206480).

-- In reference to claim 8, Harvey shows

a housing 4 that can be adapted to be coupled to a seat within the aircraft to be readily accessible electronic by an occupant of the seat while the occupant is seated in the seat (column 2, lines 25-32) ;

a first networking port 51, wherein the network is located on-board the aircraft (column 2, lines 25-32);

a second networking port 42 comprising an RJ-type port disposed in the housing adapted to couple the portable electronic device to the network for providing network connectivity of the portable electronic device; and

a power port 64 disposed in the housing that can be adapted to receive a DC power cable of the portable electronic device for providing power to the portable electronic device.

-- In particular reference to the claim language "network located on-board the aircraft", one may argue that Harvey's teaching (column 2, lines 25-32) of the connector that can be used without

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land lines on an airplane does not inarguably show that the network is onboard the mobile platform.

Walton provides teachings that the network is on board the airplane.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the network on the airplane because as Walton teaches on page 2, lines 17-20, people sometimes need to get information and articles written on certain things and getting that information while the person is flying would save that person a lot of time.

-- In particular reference to the claim language "RJ-45" connector, Harvey does not show an RJ-45 networking port (Harvey simply shows an RJ-type port 42).

Francis teaches that all types and styles of connector including RJ-type and other connectors for physical electrical connection of communication devices (column 4, lines 63-66) and that the necessary modifications to enable coupling to different connectors would be known to those skilled in the art (column 5, lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to choose to use a specific RJ-45 connector instead of the RJ-type that is shown by Harvey because Francis teaches that all types and styles of connector including RJ-type and other connectors for physical electrical connection of communication devices (column 4, lines 63-66).

-- In particular reference to the claim limitation a first network port comprising a Universal Serial Bus disposed in the housing adapted to couple the portable electronic device to the network for providing network connectivity of the portable electronic device; Harvey does not show the Universal Serial Bus.

Thompson teaches (column 2 lines 35-40) that several methods of data connection can be used and indicates a parallel connector (element 51 of Harvey) and a USB are part of those several methods of data connection.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Thompson to modify the connectors of Harvey because, as taught by Thompson (column 1, lines 27-29), some mobile users of mobile modular computing and communication systems need to deploy several additional peripherals that need both power supply and data connections to the portable computer.

-- In particular reference to reference to the claim language "coupled" is a broad term that is seen to mean link together. A computer user sitting in the seat with Harvey's invention on his lap "couples" Harvey's invention to the airplane seat (see attached definition from The American Heritage Dictionary).

-- In reference to claim 9, the rejection of this claim is substantially the same as was noted in the previous office action of which applicant did not dispute. Concerning the network is of the type selected from the group consisting of a local area network (LAN), a wide area network (WAN), internet, an intranet, and combination thereof, and the network is of the type selected from the group consisting of a local area network (LAN), a wide area network (WAN) and an intranet;

a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use

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must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152

USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

- -- In reference to claim 10, Harvey (5590022) in view of an article by Marsha Walton dated January 23, 2001, in view of Francis (6315618), and further in view of Thompson (6206480) shows substantially the invention as claimed.

Harvey also shows a housing 4 coupled to a seat of the aircraft that is accessible by the occupant of the seat while the occupant is seated in the seat.

-- In particular reference to reference to the claim language "coupled" is a broad term that is seen to mean link together. A computer user sitting in the seat with Harvey's invention on his lap "couples" Harvey's invention to the airplane seat (see attached definition from The American Heritage Dictionary).

Response to Arguments

-- Applicant's arguments filed in response to the previous office action have been considered, but they are moot in view of the new grounds of rejection.

Conclusion

- Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 703-305-0958.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 703-308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7724 for regular communications and 703-308-7722 for After Final communications.
- Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0952.

James R. Harvey, Examiner

jrh

February 14, 2003



THO D. TA
PRIMARY EXAMINER